



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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FCC ESTABLISHES FCC-NATIVE NATIONS BROADBAND TASK FORCE AND SEEKS NOMINATIONS FOR TRIBAL REPRESENTATIVES

In this Public Notice, the Federal Communications Commission (“Commission”) seeks applications for membership on the FCC-Native Nations Broadband Task Force (“Task Force”). The Task Force will assist the Commission in fulfilling its commitment to increasing broadband deployment and adoption on Tribal lands.¹ The Task Force will be responsible for, among other things, assisting in developing and executing a Commission consultation policy, eliciting input from Native American governments, ensuring that Native American concerns are considered in all Commission proceedings related to broadband, developing additional recommendations for promoting broadband deployment and adoption on Tribal lands, and coordinating with external entities, including other Federal departments and agencies.²

The Task Force will be comprised of senior Commission staff and elected leaders from Federally-recognized Native American governments or governmental entities (or their designated employees). As with other Commission advisory committees and joint boards, the Chairman of the Commission will appoint the members and designate a Chairman and a Vice-Chairman for the Task Force. In addition, the Chairman of the Commission may appoint members to fill vacancies and may replace a member at his discretion. The Chairman of the Commission will designate either himself or another Commissioner to oversee the activities of the Task Force and serve as a liaison between the Task Force and the Commission.

Applicants should be willing to commit to a two-year term of service, which requires participation, either in person or by teleconference, in the meetings of the Task Force. It is anticipated that most meetings will take place in Washington, D.C. Attendance in person will be at the applicant’s own expense. Members will also have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities who are or will be regulated by, or who have interests before, the Commission.

¹ See Statement of Policy Establishing a Government-to-Government Relationship with Indian Tribes, 16 FCC Rcd 4078, 4080 (2000); *see also* Connecting America: The National Broadband Plan (rel. Mar. 16, 2010) at 184 (Recommendation 9.14) available at <http://www.broadband.gov/plan/>.

² *Id.*

APPLICATIONS

The application for appointment to the Task Force does not require a particular format; however, it should include the following information: (1) name and position of the applicant with respect to a particular Native American government; (2) telephone number; (3) mailing address or e-mail address; (4) brief description of the applicant's area of expertise and qualifications to serve on the Task Force; and (5) in the case of a person seeking to serve as a "designated employee," the name of the elected officer for whom the employee would be acting and a copy of the officer's designation letter, as described below .

Applicants seeking to serve as a Tribal representative on the Task Force must submit an application to the Commission no later than July 15, 2010 . If submitting by regular mail, send to: Federal Communications Commission, Consumer & Governmental Affairs Bureau, Attention: Lauren H. Kravetz, 445 12th St., S.W., Washington, D.C. 20554. If submitting by facsimile, fax to (202) 418-2839. If submitting by email, send to lauren.kravetz@fcc.gov.

EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT FOR "INTERGOVERNMENTAL COMMUNICATION"

Pursuant to the "intergovernmental communication" exemption in Sec. 204(b) of the Unfunded Mandates Reform Act of 1995 ("UMRA"), 2 U.S.C. §1534(b), the Task Force will not be subject to the requirements or procedures set forth in the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2 (1988). Section 204(b) of UMRA provides an exemption from FACA for intergovernmental communications involving meetings between Federal officials and Federal employees and "elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities." Therefore, applicants for the Task Force must be individuals who satisfy these requirements. .

As it applies to the Task Force, because the input that Congress sought to facilitate through the intergovernmental exemption is institutional in nature, the exemption covers Federal communications with elected officers or their designated employees involved in the governmental process at the Tribal level. Before the first meeting of the Task Force, those seeking nomination as a "designated employee" should provide a letter or other documentation from the elected officer of the Tribal government for whom the employee would be acting, advising the Commission that such employee is duly authorized to act on such official's behalf. Following these procedures will ensure that the Task Force may operate with adequate flexibility and within its FACA-exempt status.

ACCESSIBLE FORMATS

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

For further information contact: Lauren H. Kravetz, Special Counsel, Consumer & Governmental Affairs Bureau, Federal Communications Commission, (202) 418-7944 (voice) or 1-800-835-5322 (TTY), or lauren.kravetz@fcc.gov.

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